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Attorneys for Defendant
JAMES CAMERON

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Attorneys for Defendant
GALE ANNE HURD

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SAN JOSE BRANCH

NEIL B. GOLDBERG

Plaintiff,

vs.

JAMES CAMERON, GALE ANN
HURD, and Does 1 through 10,000,
inclusive

Defendants.

Case No. C05 03534

Assigned To: HON. RONALD M.
WHYTE

DEFENDANTS' STATEMENT
REGARDING CASE
MANAGEMENT CONFERENCE

Date: DECEMBER 1, 2006
Time: 10:30 a.m.
Dept: 6

1 Defendants James Cameron and Gale Anne Hurd (collectively
2 "Defendants") submit this joint statement to the Court for use in the Case
3 Management Conference in this action.
4

5 The history and procedural status of this matter is as follows:
6

7 1. Plaintiff filed this action in August 2005, but for reasons that are
8 unknown to Defendants, plaintiff did not attempt to serve defendants until more
9 than a year later.
10

11 2. While there was some disagreement between the parties as to whether the
12 Defendants had been properly served, rather than debate or burden the Court with
13 that issue, and because plaintiff's counsel indicated that plaintiff intended to file a
14 First Amended Complaint, the parties agreed that a First Amended Complaint
15 could be served on Defendants' counsel, and Defendants would file a responsive
16 pleading within 20 days thereafter. Correspondence between counsel concerning
17 the foregoing is attached hereto.
18

19 3. As of this writing, plaintiff has not served his First Amended Complaint
20 on Defendants' counsel. When he does so, Defendants intend, *inter alia*, to make a
21 motion to transfer venue to the Central District of California. In this regard, both
22 Defendants reside in Los Angeles County, California, and Defendants believe that
23 venue is improper in this Court.
24

25 4. Based upon the foregoing, Defendants believe that the Court should defer
26 making any scheduling order until it is first determined whether the action will
27 proceed in this Court.
28

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Los Angeles, California 90067-4590

1 Defendants' counsel are based in Los Angeles, and each of them will be
2 participating in the Case Management Conference by telephone. We look forward
3 to addressing these issues with the Court at that time.

4
5 DATED: November 29, 2006

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

6
7
8 By: 

CHARLES N. SHEPHARD
Attorneys for Defendant
JAMES CAMERON

9
10
11
12 DATED: November __, 2006

WYMAN & ISAACS LLP

13
14 By: _____

BRUCE ISAACS
Attorneys for Defendant
GALE ANNE HURD

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& MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590

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2 participating in the Case Management Conference by telephone. We look forward
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5 DATED: November 29, 2006

GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

6
7
8 By: 

9 CHARLES N. SHEPHARD
10 Attorneys for Defendant
11 JAMES CAMERON

12 DATED: November ²⁹__, 2006

WYMAN & ISAACS LLP

13
14 By: 

15 BRUCE ISAACS
16 Attorneys for Defendant
17 GALE ANNE HURD
18
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Charles N. Shephard

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Direct Fax: 310.201.2394
E-Mail: cshephard@ggfirm.com
File Number: 12520-00101



November 16, 2006

By Fax (831) 685-0907
and U. S. Mail

Donald Charles Schwartz, Esq.
Law Offices of Donald C. Schwartz
7960-B Soquel Drive
No. 291
Aptos, California 95003

Re: Goldberg v. Cameron

Dear Don:

This will confirm our telephone conversation today in which we agreed to resolve the service and related issues as follows:

1. Plaintiff will be filing a First Amended Complaint;
2. Service of the First Amended Complaint on Mr. Cameron can be effected by sending me a copy of the First Amended Complaint;
3. Service of the First Amended Complaint on defendant Gail Anne Hurd can be effected by sending a copy of the First Amended Complaint to Ms. Hurd's counsel who is Bruce Isaacs at Wyman Isaacs Blumenthal and Lynne LLP, 8840 Wilshire Boulevard, Suite 200, Beverly Hills, California 90211;
4. Mr. Cameron and Ms. Hurd will file their responsive pleadings to the First Amended Complaint within 20 days of the First Amended Complaint being served on counsel; and
5. You will promptly file with the Court a withdrawal of your application to enter Mr. Cameron's default. If for any reason Mr. Cameron's default has already been entered, or if it is entered before you file the withdrawal of your application, plaintiff will stipulate that the default be stricken and vacated.

In addition, you stated that a Case Management Conference is scheduled in this matter for December 1, 2006. I would appreciate it if you would send me and Mr. Isaacs whatever

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Donald Charles Schwartz, Esq.
November 16, 2006
Page 2

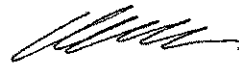
order or other documentation (if any) was served by the Court in connection with that conference.

Thank you very much for your assistance in working through and resolving these issues. This approach is fair to everyone and avoids burdening the Court.

Please contact me immediately if your understanding of our agreement and how we will be proceeding is any different than as set forth in this letter.

Once again, thank you very much for your courtesy and cooperation.

Very truly yours,



Charles N. Shephard

CNS/ejj

cc: Bruce Isaacs, Esq.

BRUCE ISAACS
ROBERT A. WYMAN
CHERYL NELSON
JANNA O. SMITH
DAVID H. BOREN

OF COUNSEL
LEE N. ROSENBAUM

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FACSIMILE (212) 752-0097

OF COUNSEL
RICHARD L. BLUMENTHAL
'ADMITTED IN N.Y. ONLY'

November 27, 2006

VIA FACSIMILE (831) 685-0907 AND
U.S. MAIL

Donald C. Schwartz, Esq.
Law Offices of Donald Schwartz
7960-B Soquel Drive, No. 291
Aptos, CA 95003

Re: Gale Ann Hurd adv. Neil Goldberg

Dear Don:

I received your November 22, 2006 letter this morning. Yes, I will file a response to the first amended complaint on behalf of Gale Ann Hurd. Per your agreement with Chuck Shephard, I will file the responsive pleading within 20 days of my receipt of the first amended complaint (which I have not yet received).

Janna Smith of my office will attend the December 1, 2006 Scheduling Conference via telephone. I cannot attend the hearing that day because I am arguing a motion for summary judgment that morning in another matter. If you want or need me to personally participate in the hearing, then we should discuss continuing the hearing to another date. However, Janna is more than capable of handling this appearance and hopefully neither the court nor you will have a problem with it.

To the extent you believe that we need to meet and confer on any topics prior to the December 1, 2006 Scheduling Conference, please let me know. Please note that I am in deposition all day on November 28 and 29, 2006 (and out of the office at meetings today), but I am available on Thursday, November 30, 2006. Please let me and Chuck Shephard know on that.

Thank you for your courtesy and cooperation.

Very truly yours,



Bruce Isaacs
WYMAN & ISAACS LLP

BI/lp

cc: Chuck Shephard, Esq. (via e-mail)

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 8840 Wilshire Blvd., Second Floor, Beverly Hills, CA 90211.

On November 30, 2006, I served the document described as **"DEFENDANTS' STATEMENT REGARDING CASE MANAGEMENT CONFERENCE"** upon the interested parties in this action in a sealed envelope addressed as follows:

Donald C. Schwartz, Esq.
Law Offices of Donald Schwartz
7960-B Soquel Drive, No. 291
Aptos, CA 95003
Facsimile: (831) 685-4700
(Attorneys for Plaintiff NEIL B.
GOLDBERG)

Charles N. Shephard, Esq.
Greenberg Glusker Fields Claman
Machtiger & Kinsella LLP
1900 Avenue of the Stars
Suite 2100
Los Angeles, CA 90067-4590
Facsimile: **(310) 553-0687**

X **(By Mail)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after day of deposit for mailing contained in affidavit.

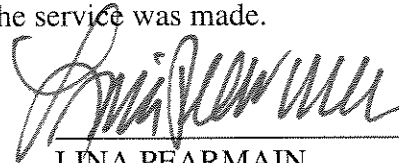
— **(By Overnight Delivery)** I deposited this document in the box or other facility located at 8840 Wilshire Blvd., Second Floor, Beverly Hills, CA 90211 regularly maintained by Federal Express, in an envelope designated by Federal Express with delivery fees paid or provided for, addressed to the persons on whom it is to be served, for guaranteed next day delivery.

X **(By Facsimile Transmission)** I caused transmission to each of the interested parties at the facsimile machine telecopy number shown the foregoing document to be served by facsimile above.

— **(By Personal Service)** I caused the delivery of such envelope by hand to the offices of the addressee.

Executed on November 30, 2006, at Beverly Hills, California.

X (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



LINA PEARMAIN